THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION Nos. 4261 and 12493 of 2005

COMMON ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

These writ petitions are filed seeking to issue a writ of Certiorari calling for the records relating to the order dated 26.8.2004 in O.A.No. 5587 of 2003 and batch on the file of A.P. Administrative Tribunal, Hyderabad and to quash the direction or observation contained therein to the effect "they would verify whether all the respondents were appointed in the 17th vacancy in 20 point cycle of G.O.Ms.No. 492 dated 29.7.1994 and issue orders of regularisation accordingly" as unjust.

The petitioners in these two writ petitions were unofficial respondents in O.A. No. 5587 of 2003 which was filed by the unofficial respondents herein seeking a direction to the official respondents to review all the promotions to the post of MDO/MPDO from the post of ICDS Supervisors and to consider them for promotion to the post of MPDOs. After hearing the learned counsel on both sides and perusing the material available on record, the Tribunal disallowed the O.A. Learned counsel for the petitioners, on instructions, submits that the said order is not challenged by the applicants in the O.A. i.e. unofficial respondents herein. The record shows that all the unofficial respondents have been served except respondent Nos. 17 and 19, for whom the notice sent is not yet returned.

Heard the learned counsel for the parties.

The grievance of the petitioners is that while

disallowing the claim of the applicants in O.A. No. 5587 of 2003 and batch, the Tribunal ought not to have observed that the official respondents would verify whether all the unofficial respondents were appointed in the 17th vacancy in 20 point cycle of G.O.Ms.No. 492 dated 29.7.1994 and issue orders of regularisation accordingly. The contention of the learned counsel for the petitioners is that the said observation is unjust in view of Rule 3(d) of The Andhra Pradesh Panchayat Raj and Rural Development Service Rules, which stipulates that if suitable and qualified persons are not available in respect of any feeder category, the vacancy meant for that category shall lapse and the person in the category next in the order in the cycle shall be considered.

Having regard to the facts and circumstances and in view of the above controversy, we feel that it would suffice if the order of the Tribunal is modified to the extent that the case of the petitioners herein shall be considered as per the Rules in force. Accordingly the official respondents are directed to consider the case of the petitioners as per the Rules in force.

With the above modification in the order passed by the Tribunal, both the writ petitions are disposed of. No costs.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 11-6-2007.
MVB.